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APR 25 2007

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R E M A R K S

Applicants cancel claims 2, 4, 7-8, 10, and 14. Claims 1, 3, 5-6, 9, and 11-13 remain pending in the application. Applicants amend the specification for corrections, amend claim 1 to incorporate the features of claim 2, and amend claims 5 and 9 for clarification. No new matter has been added.

Applicants acknowledge with appreciation the Examiner's allowance of claims 11-13, and respectfully submit that the provided reasons for allowance include only the Examiner's non-exhaustive interpretations—which should in no way limit the scope of the allowed claims.

The Examiner objected to the drawings for including reference characters not included in the specification. Applicants amend the specification to clarify the proper references to these reference characters, and respectfully request that the Examiner withdraw the objection.

The Examiner also objected to the specification for apparent informalities, which Applicants correct by amendment. Accordingly, Applicants request that the Examiner withdraw the objection.

Applicants cancel claim 4 objected to by the Examiner.

Claims 1, 4, and 7 were rejected under 35 U.S.C. § 102(b) as being anticipated by European Patent Application Publication No. EP 0786890 to Suzuki; claims 2 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of U.S. Patent No. 5,555,268 to Fattouche et al.; and claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of U.S. Patent No. 6,347,220 to Tanaka et al.

Applicants cancel claims 2, 4, and 7, amend claim 1 to incorporate the features of canceled claim 2, and respectfully traverse the § 103 rejections.

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incorporates features that correspond to those of claim 1 cited above, and is, therefore, patentable over the cited references for at least the same reasons. The Examiner relied upon Tanaka et al. as a combining reference to specifically address the additional features recited in dependent claim 3. As such, the addition of this reference would still have failed to cure the above-described deficiencies of Suzuki and Fattouche et al., even assuming, arguendo, that such addition would have been obvious to one skilled in the art at the time the claimed invention was made. Accordingly, Applicants respectfully submit that claim 3 is patentable over the cited references for at least the above-stated reasons.

Claims 5-6 stand rejected under 35 U.S.C. § 102 as being anticipated by Applicants' Admitted Prior Art ("AAPA"). Applicants respectfully traverse the rejection.

Applicants respectfully submit that Figs. 16, 20-21, and 23, and their corresponding description in the specification, relied upon by the Examiner as AAPA do not disclose,

"[a] multicarrier transmission method for multiplying transmit data individually by each code constituting orthogonal codes and transmitting each result of multiplication by a prescribed subcarrier, comprising steps of:

assigning the same subcarriers to a plurality of users and assigning plural different orthogonal codes to each user; and

transmitting the transmit data of each user by performing code multiplexing using said plural different orthogonal codes on the same subcarriers," as recited in claim 5. (Emphasis added)

Applicants refer to Fig. 3 and its corresponding description in the specification for an exemplary embodiment of the claimed invention. Accordingly, Applicants respectfully submit that claim 5, together with claim 6 dependent therefrom, is patentable over AAPA for at least the foregoing reasons.

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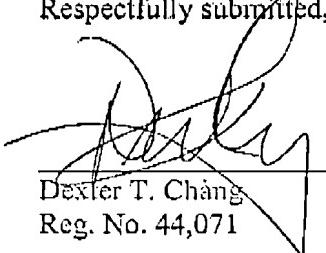
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Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of AAPA. Applicants cancel claim 8.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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